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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

)

PATENTS

COLE WILLIAMS

)

Examiner: Jeff H. Aftergut

Serial No: 09/978,441

)

Art Unit: 1733

File Date: October 15, 2001

)

The Invention: "Waterproof, Breathable Articles of Apparel")

Date: December 8, 2003

Mail Stop RCE

Commissioner for Patents

Post Office box 1450

Alexandria, VA 22313-1450

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TC 1700

Dear Sir:

Transmitted herewith is a Request For Continued Examination after Final Rejection with accompanying Response; RCE Transmittal; our check in the amount of \$385.00 as RCE fee; a Declaration by the Applicant; a Request for a two-month Extension of Time to respond to the Office Action dated July 7, 2003 and the two-month Extension fee of \$210.00; and a Return Post Card for the above-mentioned application.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, to our Deposit Account No. 10-0231. A duplicate copy of this letter is enclosed for the use of this office.

Respectfully submitted,


James E. Brunton, Esquire

Registration No. 24,321

Dated: December 8, 2003

I her by certify that this correspondence is being deposited with the United States Postal Service as first class mail in the envelope addressed to:

Commissioner of Patents, Post Office, Box 1450,
Alexandria, VA. 22213-1450 on December 8, 2003

James E. Brunton, Esquire, Registration No. 24, 321

12/8/03 ✓



**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/978,441
Filing Date	October 15, 2001
First Named Inventor	Cole Williams
Art Unit	1733
Examiner Name	Jeff H. Aftergut
Attorney Docket Number	99047A

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **(Submission required under 37 CFR 1.114)** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☒ Affidavit(s)/Declaration(s)

iv. ☐ Other _____

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2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. _____

i. ☒ RCE fee required under 37 CFR 1.17(e)

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ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

01 FC:2801

385.00 OP

iii. ☐ Other _____

b. ☒ Check in the amount of \$ **385.00** enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James E. Brunton	Registration No. (Attorney/Agent)	24,321
Signature	<i>James E. Brunton</i>	Date	12/18/03

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	James E. Brunton	Date	12/18/03
Signature	<i>James E. Brunton</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.